

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM JAMES WALLACE, II,
Plaintiff,
v.
J. WHITE, et al.,
Defendants.

No. 1:20-cv-0844 JLT EPG (PC)

ORDER ADOPTING THE FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT, AND DISMISSING THE
ACTION WITHOUT PREJUDICE

(Docs. 47, 53)

Defendants Lopez, Wade, and White filed a motion for summary judgment arguing that Plaintiff failed to exhaust his administrative remedies before filing his lawsuit. (Doc. 47.) The assigned magistrate judge agreed. (*Id.* at 7-8.) Therefore, the magistrate judge recommended Defendants' motion for summary judgment be granted and the case be dismissed without prejudice. (*Id.* at 8.)

The Court served the Findings and Recommendations on the parties, which also notified them that any objections thereto were to be filed within 21 days from the date of service. (Doc. 53 at 8-9.) The Court advised the parties the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.* at 8-9, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) To date, no objections have been filed and the time in which to do so has passed.

According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of the case.

1 Having carefully reviewed the entire file, the Court concludes that the findings and
2 recommendations are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 3 1. The Findings and Recommendations entered on February 7, 2022 (Doc. 53) are
4 **ADOPTED** in full.
- 5 2. Defendants' motion for summary judgment (Doc. 47) is **GRANTED**.
- 6 3. This action is **DISMISSED** without prejudice; and
- 7 4. The Clerk of Court is directed to close this case.

8
9 IT IS SO ORDERED.

10 Dated: **March 23, 2022**


UNITED STATES DISTRICT JUDGE